

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE,

*Plaintiff*

v.

THE PENNSYLVANIA STATE  
UNIVERSITY

*Defendant*

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Civil Action No. 4:19-CV-1234

**MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER**  
**AND/OR PRELIMINARY INJUNCTION**

Plaintiff hereby moves, under Fed.R.Civ.Pro 65, for entry of a temporary restraining order and/or preliminary injunction preventing the University from holding its scheduled July 23<sup>rd</sup> second disciplinary hearing. Further, Doe requests a court order (1) permanently enjoining the Defendant from re-prosecuting Doe in a new hearing; (2) retain Plaintiff as a student in good standing at Penn State; (3) requiring the Defendant to expunge all aspects of Plaintiff's student disciplinary file pertaining to the allegation leveled against him by the Complainant. In the alternative, Doe requests that the court order Penn State to amend its policies so that they comport with constitutional requirements; agrees to enforce those policies it has ignored, and; re-open the investigation to permit Doe to follow up on new

information and to address the retrofitted “coercion” definition. As grounds therefore, Plaintiff avers:

1. The facts set forth in the Complaint and supporting exhibits are incorporated herein.

2. The factual recitations and legal arguments contained in the Plaintiff’s Brief in Support of Motion for Emergency Temporary Restraining Order and/or Preliminary Injunction are incorporated herein by reference.

3. As more fully set forth in the Brief, Plaintiff is likely to prevail on the merits of his due process and Title IX claims.

4. Plaintiff will suffer irreparable harm unless the requested injunctive relief is granted.

5. The granting of this injunction will not cause greater harm to the Defendants.

6. It is in the public interest to enjoin Defendants from violating the fundamental norms of due process and equal protection guaranteed by Title IX.

7. Plaintiff’s counsel advised counsel for the Defendant last week that Plaintiff would be seeking this injunctive relief, along with the reasons for this motion. Plaintiff’s counsel will serve a copy of the motions, brief and supporting documents at the time of filing.

8. The specific facts in the Complaint clearly show that immediate injury, loss, and damage will result to the Plaintiff.

WHEREFORE, this Court should enter a temporary restraining order preventing the University from re-trying Doe on July 23, 2019.

July 18, 2019

Respectfully submitted,

s/Andrew Shubin

Andrew Shubin

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*Attorney for Plaintiff,*

*John Doe*

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                        |   |                               |
|------------------------|---|-------------------------------|
| JOHN DOE,              | : |                               |
| <i>Plaintiff</i>       | : |                               |
|                        | : |                               |
| v.                     | : | Civil Action No. 4:19-CV-1234 |
|                        | : |                               |
|                        | : |                               |
| THE PENNSYLVANIA STATE | : | Electronically Filed          |
| UNIVERSITY             | : |                               |
|                        | : |                               |
| <i>Defendant</i>       | : |                               |

**CERTIFICATE OF SERVICE**

I, Andrew Shubin, do hereby certify that Defendant was served a true and correct copy of the foregoing motion via electronic delivery:

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*Attorney for Defendant*

July 18, 2019

Respectfully submitted,

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*Attorney for Plaintiff, John Doe*